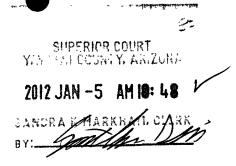
SHEILA POLK, COUNTY ATTORNEY
JEFFREY G. PAUPORE, SBN 007769
STEVEN A. YOUNG, SBN016838
Deputy County Attorney
YCAO@co.yavapai.az.us
Attorneys for STATE OF ARIZONA



## IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

## IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA.

Plaintiff.

vs.

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Facsimile:

771-3344

(928)

STEVEN CARROLL DEMOCKER,

Defendant.

CAUSE NO. P1300CR201001325

STATE'S MOTION TO COMPEL DISCLOSURE OF DEFENSE EXPERT WITNESS REPORTS

**EXPEDITED RULING REQUESTED** 

Assigned to Hon. Gary Donahoe

The State of Arizona hereby requests that this Court compel Defendant in this case to disclose the reports of all experts expected to testify at trial on behalf of Defendant pursuant to Rule 15.7, Arizona Rules of Criminal Procedure. This motion is supported by the following Memorandum of Points and Authorities, Certification of Counsel and the Court's file, all of which are incorporated herein by reference.

**MEMORANDUM OF POINTS AND AUTHORITIES** 

Rule 15.2(b) requires the defendant to provide a written notice to the prosecutor specifying all defenses as to which the defendant intends to introduce evidence at trial and the persons, including the defendant, whom the defendant intends to call as witnesses at trial. Defendant is required to disclose the identity of any experts whom the Defendant intends to call

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at trial, together with the results of Defendant's physical examinations and of scientific tests, experiments or comparisons that have been completed. Additionally, the defendant is required to make available to the prosecutor for examination and reproduction the names and addresses of all persons who the defendant plans to call as witnesses at trial together with their relevant written or recorded statements. Rule 15.2(c), Ariz.R.Crim.Pro. The disclosure must be made forty (40) days after arraignment or within ten (10) days after the prosecutor's disclosure, whichever occurs first. Rule 15.2(d), Ariz.R.Crim.Pro. Within 30 days of a written request, Defendant shall make available to the prosecutor any completed written reports, statements and examination notes made by experts. Rule 15.2(e), Ariz.R.Crim.Pro.

The Defendant has disclosed the names of several experts that are expected to testify at trial. Among these experts, the Defendant has failed to disclose any reports for the following experts: Randy Anglin; Mark Cardwell; Terri Haddix; Keith Inman; Michael O'Kelly and Terence Carmody. Defendant has disclosed a report from Greg Curry, however, it is expected that Mr. Curry will produce an updated or amended report and this has not been disclosed to date.

The court is authorized to compel disclosure by either side who has failed to make disclosure required pursuant to Rule 15. 7 of the Arizona Rules of Criminal Procedure. The State asks that the court compel disclosure of experts' reports by the defendant as required by Rule 15 of the Arizona Rules of Criminal Procedure. Given the motion deadline of February 9, 2012, it is imperative that the State have an opportunity to interview all defense experts prior to this date. In order to effectively interview such experts, the State must be provided with the expert reports prior to any such interview. Accordingly, the State requests that the Court specifically order the Defendant to provide expert reports on or before January 20, 2012 at 5:00 p.m. The State further

1	requests that if such reports are not disclosed prior to this date that the Court preclude any such
2	expert from testifying at trial.
3	The State has personally consulted with the defense attorney and made good faith
4	efforts to obtain the experts' reports. See attached Exhibit "A."
5	RESPECTFULLY SUBMITTED this day of January, 2012.
6	Chaile Cullines Delly
7	Sheila Sullivan Polk YAVAPAI COUNTY ATTORNEY
8	10- 64
9	By: Steven A. Young
10	Deputy County Attorney
11	COPY of the foregoing Emailed this
12	day of January, 2012, to:
13	Honorable Gary Donahoe
14	Division 1 Yavapai County Superior Court
15	Via email to gdonahoe1@courts.az.gov And a hardcopy sent to Division 1
16	
17	Craig Williams Attorney for Defendant
18	P.O Box 26692 Prescott Valley, AZ 86312
19	Via email to <u>craigwilliamslaw@gmail.com</u>
20	Greg Parzych
21	Co-counsel for Defendant 2340 W. Ray Rd., Suite #1
22	Chandler, AZ 85224 Via email to: gparzlaw@aol.com
23	
24	
25	By:
26	

Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

SHEILA POLK, COUNTY ATTORNEY
JEFFREY G. PAUPORE, SBN 007769
STEVEN A. YOUNG, SBN016838
Deputy County Attorney
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## STATE OF ARIZONA,

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STEVEN CARROLL DEMOCKER,

Defendant.

CAUSE NO. P1300CR201001325

STATE'S CERTIFICATION PURSUANT TO RULE 15.7, ARIZONA RULES OF CRIMINAL PROCEDURE

Assigned to Hon. Gary Donahoe

The State of Arizona, by and through undersigned counsel, certifies that undersigned counsel has personally consulted with defense counsel and made good faith efforts to obtain the disclosure, as follows:

Co-counsel for the State have made several requests for Defense experts' reports. In addition, co-counsel for the State has requested Defendant to disclose each witnesses relevant written or recorded statements.

Such requests have been made in several face to face conversations; several telephone conversations; and several e-mails over several months. Invariably, counsel for Defendant or a member of his staff indicate they are working on getting the experts' reports and witnesses' statements but for one reason or another have not been able to do so. To date, as indicated above, witness statements and several experts' reports have not been disclosed thereby precluding the

Facsimile: (928) 771-3110

Phone: (928) 771-3344

Steven A. Young
Deputy County Attorney

State from interviewing them. Counsel for the State is unable to satisfactorily resolve this matter

Sworn to and subscribed this 4 day of January 20/2

My commission expires: 9/15/13

